

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
Charleston Division**

SOUTH CAROLINA COASTAL
CONSERVATION LEAGUE, CHARLESTON
WATERKEEPER, AMERICAN RIVERS,
CHATTACHOOCHEE RIVERKEEPER,
CLEAN WATER ACTION, DEFENDERS OF
WILDLIFE, FRIENDS OF THE
RAPPAHANNOCK, NATIONAL WILDLIFE
FEDERATION, NATURAL RESOURCES
DEFENSE COUNCIL, NORTH CAROLINA
COASTAL FEDERATION, and NORTH
CAROLINA WILDLIFE FEDERATION,

Plaintiffs,

v.

ANDREW R. WHEELER, in his official
capacity as Administrator of the U.S.
Environmental Protection Agency, U.S.
ENVIRONMENTAL PROTECTION
AGENCY, RICKY D. JAMES, in his official
capacity as Assistant Secretary of the Army
(Civil Works), and U.S. ARMY CORPS OF
ENGINEERS,

Defendants.

Case No. 2:19-cv-03006-DCN

**MOTION TO DISMISS FOR LACK OF SUBJECT MATTER JURISDICTION
UNDER F.R.C.P. 12(b)(1)**

NOW comes Defendants, Andrew Wheeler, Administrator of the U.S. Environmental Protection Agency, the U.S. Environmental Protection Agency, Ricky D. James, Assistant Secretary of the Army for Civil Works, and the U.S. Army, Corps of Engineers, to move before the Court to dismiss this Administrative Procedure Act challenge to the Defendants' October 22, 2019 rulemaking under the Clean Water Act. F.R.C.P. 12(b)(1). See *Adams v. Bain*, 697 F.2d

1213, 1219 (4th Cir. 1982). Plaintiffs lack standing to bring this challenge and the case is unripe. Thus, this Court lacks subject matter jurisdiction.

We rely on our attached memorandum of law in support.

A. LANCE CRICK
ACTING UNITED STATES ATTORNEY

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